

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SOMNIA, INC.,

Plaintiff,

-against-

CHANGE HEALTHCARE TECHNOLOGY
ENABLED SERVICES, LLC, as successor-in-
interest to PST SERVICES, INC., et al.,

Defendants.

ORDER

19-CV-08983 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held an in-person conference on June 7, 2022 to address a discovery dispute between the parties. Counsel for all parties appeared. The Court, as stated on the record, directed the parties to proceed as outlined below.

First, counsel are directed to meet and confer regarding the universe of Patient Accounts that are subject of this action (estimated to be around 500,000 accounts) and their respective statuses (i.e., whether they exist in MDIV or have been archived). The parties shall, by July 7, 2022, file a Proposed Order and Stipulation agreeing to the number of Patient Accounts (including identifying information such as name, account number, and any other information counsel believe appropriate).

Second, the parties shall also, by July 7, 2022, meet and confer regarding whether archived Patient Accounts are necessary to compute damages and, if so, agree upon a plan for restoring those Patient Accounts to MDIV by August 5, 2022.

Third, Defendants shall provide affidavit(s) from person(s) with personal knowledge attesting to the representation that Defendants archived Patient Accounts from 2014 to 2016 and not during the pendency of this action. These affidavits shall likewise be filed by July 7, 2022.

Fourth, Defendants shall make available to Mr. David Glusman and his team from Marcum, MDIV and any other program necessary to evaluate the Patient Accounts. Access will be granted on-site at Defendants' offices forthwith. Defendants shall also make available to Mr. Glusman and his team any training manuals/documentation and staff necessary to assist in accessing and understanding the data.

Fifth, the deadline to complete expert discovery is extended for 150 days (i.e., until November 4, 2022). Archived Patient Accounts will, to the extent necessary, be restored to MDIV by August 5, 2022. Plaintiff shall issue its expert report by October 4, 2022. Defendants' rebuttal expert report, if any, shall be issued by November 4, 2022.

Sixth, the Case Management Conference scheduled for July 21, 2022 is adjourned to 2:00 p.m. on December 12, 2022. That appearance will be held in-person, in Courtroom 520 of the White Plains Courthouse. The parties are reminded that, should they intend to move for summary judgment, they must comply with this Court's Individual Practices and the Federal Rules of Civil Procedure. No further adjournments or extensions will be granted.

SO ORDERED:

Dated: White Plains, New York
June 7, 2022



PHILIP M. HALPERN
United States District Judge